

Docket No. END-897 DIV1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Seth A. Forester et al.

Serial No. : 10/630, 883

Art Unit: Not Assigned

Filed : July 30, 2003

Examiner: Not Assigned

For : **Method and Devices for Defining and Marking Tissue**

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7/20/04  
Date

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

[X] In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-

identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/END-897DIV1/GSG the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

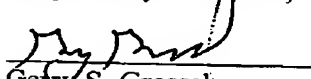
☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/END-897DIV1/GSG the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of references listed on the attached Form PTO-1449 are not included under 37CFR 1.98(d) where the references have been cited in US Patent Application 09/776,125 to which the application claims priority.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GSG/END-897 DIV1.

Respectfully submitted,

  
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Date: July 22 2004

PTO/SB/08A (08-00)  
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Application Number</td> <td>10/630,883</td> </tr> <tr> <td>Filing Date</td> <td>July 30, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Seth A. Foerster et al.</td> </tr> <tr> <td>Group Art Unit</td> <td>Not Assigned</td> </tr> <tr> <td>Examiner Name</td> <td>Not Assigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>END -897 DIV1</td> </tr> </table>	Application Number	10/630,883	Filing Date	July 30, 2003	First Named Inventor	Seth A. Foerster et al.	Group Art Unit	Not Assigned	Examiner Name	Not Assigned	Attorney Docket Number	END -897 DIV1
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Attorney Docket Number	END -897 DIV1												

Sheet 1 of 3

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. 1	U.S. Patent Document Kind Code Number (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Re. 35,391	Brauman	12-03-1996	ALL
		3,194,239	Sullivan	01-16-1963	ALL
		4,298,998	Naficy	11-10-1981	ALL
		4,347,234	Wahlrig et al.	08-31-1982	ALL
		4,365,572	Gullemin et al.	11-02-1982	ALL
		4,511,653	Play et al.	04-16-1985	ALL
		4,703,108	Silver et al.	10-27-1987	ALL
		5,061,281	Mares et al.	10-29-1991	ALL
		5,085,629	Golberg et al.	02-04-1992	ALL
		5,120,802	Mares et al.	06-09-1992	ALL
		5,127,916	Spencer et al.	07-07-1992	ALL
		5,192,300	Fowler	03-19-1993	ALL
		5,195,988	Haaga	03-23-1993	ALL
		5,274,074	Tang et al.	12-28-1993	ALL
		5,433,751	Christel et al.	07-18-1995	ALL
		5,470,308	Edwards et al.	11-28-1995	ALL
		5,514,379	Weissleder et al.	05-07-1996	ALL
		5,522,896	Prescott	06-04-1996	ALL
		5,824,081	Knapp et al.	10-20-1998	ALL
		5,869,080	McGregor et al.	02-09-1999	ALL
		5,922,024	Janzen et al.	07-13-1999	ALL
		6,066,325	Wallace et al.	05-23-2000	ALL
		6,214,045	B1 Corbitt, Jr. et al.	04-10-2001	ALL
		2004/0024304	A1 Foerster et al.	02-05-2004	ALL
		2001/0034528	A1 Foerster et al.	10-25-2001	ALL
Examiner Signature				Date Considered	

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

Sheet 2 of 3

Application Number	10/630,883
Filing Date	July 30, 2003
First Named Inventor	Seth A. Foerster et al.
Group Art Unit	Not Assigned
Examiner Name	Not Assigned
Attorney Docket Number	END -897 DIV I

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		WANG HOM-LAY et al. "Evaluation of an Absorbable Collagen Membrane in Treating Class II Furcation Defects"; pp 1029-1036. November 1994.	
		BROPHY M. REGINA et al. "Biodegradable Polyester Polymers as Drug Carriers". Pp 1-25.	
		SWARBRICK JAMES and BOYLAN JAMES. "Bioabsorbable Polymers." The Encyclopedia of Pharmaceutical Technology. Vol. 1. Absorption of Drugs to Bioavailability of Drugs and Bioequivalence. New York and Basel. Pp 465-476.	
		PARK, KINAM; SHALABY, WALEED AND PARK HAESUN. "Biodegradable Hydrogels for Drug Delivery." Purdue University School of Pharmacy. Pp. 13-19.	
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		VERT, MICHEL, MAUDUIT, JACQUES AND LI, SUMING. "Biodegradation of PLA/GA Polymers Increasing complexity." Biomaterials 1994 Vol. 15. No. 15. Pp. 1209-1213.	
		HOFFMAN, G.O. "Biodegradable Implants in Traumatology A Review on the State-of-the Art." Arch Orthop Trauma Surgery. 1995 Pp. 114: 123-132.	
		BOSTMAN, O. AND PIHLAJAMAKI, H. "Clinical Biocompatibility of Biodegradable Orthopaedic Implants for Internal Fixation." Biomaterials 21 (2000) Pp. 2615-2621.	
		ALONSO, MARIA J., GUPTA, RAJESH K. et al. "Biodegradable Microspheres as Controlled-Release Tetanus Toxoid Delivery Systems." Vaccine 1994 Vol. 12 No. 4. Pp. 299-304.	
		AN, YUEHUEI H., WOOLF, SHANE K., FRIEDMAN, RICHARD. "Pre-clinical in Vivo Evaluation of Orthopaedic Bioabsorbable Devices." Biomaterials 21 (2000) Pp. 2635-2652.	
		MOONEY, D.J. et al. "Transplantation of Hepatocytes Using Porous, Biodegradable Sponges." Transplantation Proceedings, Vol. 26, No. 6 Dec. 1994 Pp 3425-3426.	
		CUTRIGHT, DUANE E. et al. "Degradation Rates of Polymers and Copolymers of Poly(lactic and Polyglycolic Acids)." U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, D. C. Pp. 142-151	
		KULKARNI, R. K. PHD. Et al.; "Poly(lactic Acid) for Surgical Implants." Arch Surgery. Vol. 93, Nov. 1956 Pp. 839-843.	
		KULKARNI, R. K. PHD. Et al.; "Biodegradable Poly(lactic acid) Polymers." U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, D. C. (1971) Vol. 5, Pp. 169-181	
		CHASIN, MARK AND LANGER, ROBERT. - LEWIS, DANNY H. "Biodegradable Polymers as Drug Delivery Systems." Controlled Release of Bioactive Agents from Lactide/Glycolide Polymers Ch. 1 Pp -41 (1990). And BOGDANSKY, SIMON "Natural Polymers as Drug Delivery Systems." Pp. 231-259.	
		HUANG, SAMUEL J. et al.; "Hydrophilic-Hydrophobic Biodegradable Polymers: Release characteristics of Hydrogen-Bonded, Ring-Containing Polymer Matrices. (1994) Biomaterials (1994, Vol. 15 No. 15 Pp. 1243-1247.	
		BECKER, PAUL L. "Comparison of Antibiotic Release from Polymethylmethacrylate Beads and Sponge Collagen." Journal of Orthopaedic Research. (1994) Vol. 12, No. 5.	
		MACKINNON, SUSAN E. "Clinical Nerve Reconstruction with a Bioabsorbable Polyglycolic Acid Tube." Plastic and Reconstructive Surgery, March 1990.	
		NAKAMURA, T., et al. "New Bioabsorbable Pledgets and Non-Woven Fabrics Made from Polyglycolide (PGA) for Pulmonary Surgery: Clinical Experience." Thoracic Cardiovascular Surgeons. (1990) Pp. 81-85.	
		TONG, XIAO-JIE, et al.; "Sciatic Nerve Regeneration Navigated by Laminin-Fibronectin Double Coated Biodegradable Collagen Grafts in Rats." BRAIN RESEARCH 663 (1994) Pp. 155-162.	
		MATSUSUE, YOSHITAKA, et al.; "In Vitro and In Vivo Studies on Bioabsorbable Ultra-High-Strength Poly (L-Lactide) Rods." Journal of Biomedical Materials Research (1992) Vol. 26, Pp. 1553-1567.	
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Examiner Signature		Date Considered	



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<b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 1 of 2	<b>Application Number</b>	10/630,883
	<b>Filing Date</b>	July 30, 2003
	<b>First Named Inventor</b>	Seth A. Foerster et al.
	<b>Group Art Unit</b>	Not Assigned
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U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> if (known)			
		3,592,185		Ephraim, et al.	07-13-1971	ALL
		4,087,791		Lemberger	05-02-1978	ALL
		4,541,438		Parker, et al.	09-17-1985	ALL
		4,735,210		Goldenberg	04-05-1988	ALL
		4,735,796		Gordon	04-05-1988	ALL
		5,041,826		Milheiser	08-20-1991	ALL
		5,101,827		Goldenberg	04-07-1992	ALL
		5,114,703		Wolf, et al.	05-19-1992	ALL
		5,127,916		Spencer, et al.	07-07-1992	ALL
		5,300,120		Knapp, et al.	04-05-1994	ALL
		5,433,751		Christel, et al.	07-18-1995	ALL
		5,437,279		Gray	08-01-1995	ALL
		5,470,308		Edwards, et al.	11-28-1995	ALL
		5,482,040		Martin, Jr.	01-09-1996	ALL
		5,496,536		Wolf	03-05-1996	ALL
		5,514,379		Weissleder, et al.	05-07-1996	ALL
		5,555,885		Chance	09-17-1996	ALL
		5,579,766		Gray	12-03-1996	ALL
		5,582,172		Papisov, et al.	12-10-1996	ALL

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		WO	98/09247	A1	Cothren, et al.	03-05-1998	ALL	
		WO	98/52617	A2	McIntire, et al.	11-26-1998	ALL	

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		5,595,177		Mena, et al.	01-21-1997	ALL
		5,674,288		Knapp, et al.	10-07-1997	ALL
		5,697,902		Goldenberg	12-16-1997	ALL
		5,716,407		Knapp, et al.	02-10-1998	ALL
		5,725,578		Knapp, et al.	03-10-1998	ALL
		5,732,704		Thurston, et al.	03-31-1998	ALL
		5,776,093		Goldenberg	07-07-1998	ALL
		5,776,094		Goldenberg	07-07-1998	ALL
		5,803,913		Khalkhali, et al.	09-08-1998	ALL
		5,810,806		Ritchart, et al.	09-22-1998	ALL
		5,855,609		Knapp	01-05-1999	ALL
		5,857,463		Thurston, et al.	01-12-1999	ALL
		5,868,778		Gershony, et al.	02-09-1999	ALL
		5,895,640		Khalkhali	04-20-1999	ALL
		5,899,865		Chance	05-04-1999	ALL
		5,913,857		Ritchart, et al.	06-22-1999	ALL
		5,970,986		Bolz, et al.	10-26-1999	ALL
		5,977,431		Knapp, et al.	11-02-1999	ALL

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		WO	99/25248	A1	Carroll	05-27-1999		
		WO	99/46284	A2	Rajotte, et al.	09-16-1999		

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